



DEPARTMENT OF PLANNING  
STAFF REPORT

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**PLANNING COMMISSION PUBLIC HEARING**

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**DATE OF HEARING: May 21, 2009**

**SPEX 2007-0029 – West Spine Plaza**

**DECISION DEADLINE: Extended to July 21, 2009**

**ELECTION DISTRICT: Dulles**

**PROJECT PLANNER: Stephen Gardner**

**EXECUTIVE SUMMARY**

DCI Construction Management, Inc. of Baltimore, Maryland has submitted an application for a special exception to permit a bank or financial institution, a convenience food store with gas pumps, two restaurants, and a retail sales establishment in the CLI (Commercial Light Industry) zoning district. The property is also located within the AI (Airport Impact) Overlay District, partially between the Ldn 60-65 aircraft noise contours and outside of but within one (1) mile of the Ldn 60 aircraft noise contour. This application is subject to the Revised 1993 Zoning Ordinance and the proposed uses are listed as a Special Exception uses under Sections 3-904 (C), 3-904 (D), 3-904 (S), and 3-904 (T). The property is approximately 20.06 acres in size and is located on the south side of John Mosby Highway (Route 50), east of Gum Spring Road (Route 659), and on both sides of re-aligned Route 659 in the Dulles Election District. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Dulles Community)) and the Revised Countywide Transportation Plan which designate this area for Business and Hybrid Retail Center uses and recommend non-residential densities ranging from 0.4 to 1.0 Floor Area Ratio (FAR).

**RECOMMENDATION**

Staff recommends denial of this application. The amount of commercial retail and service uses exceed the amount anticipated in the land use mix for Business Community, and the application has not demonstrated conformance with the criteria noted in the Arcola Area / Route 50 Comprehensive Plan Amendment. A site layout is proposed that is not consistent with the Route 50 Corridor Design Guidelines or the Countywide Retail Policy Plan Amendment and is characteristic of strip commercial development. The application is not in conformance with the Revised 1993 Zoning Ordinance in that required parking for all of the uses is not accommodated on-site and a fifth special exception use, general convenience retail, is noted on the plat. Finally, commitments to landscaping and architectural features remain unclear and should be clarified.

**SUGGESTED MOTIONS**

1. I move that the Planning Commission forward SPEX 2007-0029, West Spine Plaza, to a Planning Commission Work Session for further discussion.
- OR,

2. I move that the Planning Commission forward SPEX 2007-0029, West Spine Plaza, to the Board of Supervisors with a recommendation of denial based on the attached Findings for Denial.

OR,

3. I move an alternate motion.

### VICINITY MAP



#### Directions:

From Leesburg, take Evergreen Mills Road south to Gum Spring Road (Route 659). Turn right onto Gum Spring Road (Route 659). Proceed through the intersection of John Mosby Highway (Route 50). The subject site will be on the left, one quarter mile south of John Mosby Highway (Route 50).

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## I. APPLICATION INFORMATION

**APPLICANT** DCI Construction Management, Inc.  
James Forster  
5317 Ritchie Highway, Suite 21225  
Baltimore, MD 21225  
410-789-9500

**REPRESENTATIVE** Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
William J. Keefe, AICP & Michael G. Romeo  
One East Market Street, 3<sup>rd</sup> Floor  
Leesburg, VA 20176  
703-737-3633

**APPLICANT'S REQUEST** A Special Exception to permit a bank or financial institution, convenience food store with gas pumps, two restaurants, and retail sales establishment in the CLI zoning district. This application was accepted on October 26, 2007.

**LOCATION** South side of Route 50, east side of existing Gum Spring Road (Route 659), and on both sides of the future West Spine Road.

**TAX MAP/PARCEL #s** Tax Map 101////////41/ MCPI 204-20-3829

**ZONING** CLI (Commercial Light Industry)

**ACREAGE OF SITE** 20.06 acres

### SURROUNDING ZONING / LAND USES

	<b>ZONING</b>	<b>PRESENT LAND USES</b>
North	CLI	Commercial Retail & Service
South	PD-CC-CC	Vacant
East	CLI	Commercial Retail
West	R-24/R-16	Residential (Multifamily/Townhomes)

## II. SUMMARY OF DISCUSSION

Topic	Issues Examined and Status
Comprehensive Plan	<ul style="list-style-type: none"> <li>• Conformance of the proposed land use mix to the Business Community designation as defined by the <u>Revised General Plan</u>. Status: <b>Unresolved; Retail and service uses (i.e. convenience food store with gas pumps and restaurant) are proposed in the Business Community where the predominant land use is envisioned by the Plan as office. The retail and service uses proposed exceed the ten percent (10%) maximum anticipated by the Plan for Business Community.</b></li> <li>• Conformance with the five criteria identified in the Arcola Area / Route 50 Corridor Plan to allow commercial retail and service uses to exceed the ten (10) percent maximum. Status; <b>Unresolved; it has not been demonstrated that the goods and services proposed by the application are not already provided by existing or planned developments in the area. The application is not consistent with the policies in <u>Countywide Retail Policy Plan Amendment</u>, which states a minimum of 4,000-feet shall separate Service Based Retail Centers.</b></li> <li>• Revise the layout to create a more coordinated, compact, pedestrian-oriented design consistent with the <u>Route 50 Corridor Design Guidelines</u>. Status: <b>Unresolved; the site layout provides a number of standalone pad sites. Uses on the eastern portion of site are more integrated but parking remains a predominate feature. Overall, the application represents "strip" commercial development with little inter-relationship between uses and buildings.</b></li> <li>• Preservation of existing vegetation and incorporation of existing trees into delineated tree conversation areas. Status: <b>Unresolved. A tree save area has been delineated within the required 100-foot parking setback along Route 50. A second tree save area located adjacent to the future West Spine Road offers the options to include stormwater management and BMP facilities as an alternate. Given the significant vegetation on-site, tree save areas should be reserved as such with no potential conflict of stormwater facilities.</b></li> <li>• The incorporation of a usable outdoor space adjacent to the stormwater management pond; enhancement of the stormwater management facility to include native plantings around the perimeter. Status: <b>Unresolved; though an outdoor seating area for the restaurant is provided adjacent to the stormwater management pond, no commitment to landscaping around the pond has been made.</b></li> <li>• Enhance buffering along the West Spine Road and South Point Drive to screen parking areas from the roadway. Status: <b>Unresolved; a landscaping plan depicts planting along the afore-mentioned roadways, but these commitments have not been included on the Special Exception Plat.</b></li> </ul>



Comprehensive Plan	<ul style="list-style-type: none"> <li>• Pedestrian connections between the various uses, to the regional transportation network, and to adjacent communities. Status: <b>Unresolved; though the various uses east of the future West Spine Road are interconnected with trails and sidewalks, uses west of the future West Spine Road are not.</b></li> <li>• Commitment should be made to enhanced architecture features and building design consistent with the <u>Route 50 Corridor Design Guidelines</u>. Status: <b>Unresolved. The Applicant has agreed to conditions regarding building design, but absent of additional information regarding such (i.e. building elevations, renderings, etc.), development of conditions will be vague.</b></li> <li>• Mitigation of impacted wetlands pursuant to policy with first preference within Loudoun County. Status: Resolved; condition # 11 added accordingly.</li> </ul>
Zoning	<ul style="list-style-type: none"> <li>• Request a Special Exception for the General Convenience Retail use noted in Building 'F.' Status: <b>Unresolved; though the Applicant states a convenience food store will not be located in Building 'F,' the use is noted on the Special Exception Plat and included in the "Parking Tabulation" table.</b></li> <li>• Include the square footage of the 1,800 square foot deck as part of the square footage of the restaurant and correct the parking tabulation accordingly for the combined square footage. Status: <b>Unresolved; an additional twenty-seven (27) parking spaces should be delineated on the Special Exception Plat to accommodate the deck. The required and provided parking spaces for the restaurant should be corrected.</b></li> <li>• Buffers and driveway aisles are located within the right-of-way of existing Gum Spring Road (Route 659). Status: Resolved; though existing Gum Spring Road may be vacated at some point in the future, the timing of such is uncertain. It cannot be assumed that the frontage of this site will be included. As such, site improvements have been removed from the right-of-way and yards are calculated based on the current property line.</li> <li>• An inter-parcel access between the flex/industrial warehouse use and uses on the adjoining Community Corner property is not permitted because the flex-industrial warehouse is not permitted in PD-CC-CC. Status <b>Unresolved. When an Inter-parcel access between two uses in differing zoning districts is proposed (i.e. CLI and PD-CC-CC), the uses connected by the access point must be allowed in both districts. Flex/industrial warehouse is not permitted in PD-CC-CC. As this issue involves a by-right use, it is beyond the scope of this application and will be considered at the time of site plan.</b></li> <li>• Delineate pedestrian connections on the Special Exception Plat. Status <b>Unresolved; internal and external pedestrian connections are noted on the on the east side of the future West Spine Road but internal pedestrian connections have not been included on the west side.</b></li> <li>• Clarify the acreage of the site and the FAR / Open Space calculations. Status: Resolved; the correct calculations are noted on the Special Exception Plat.</li> </ul>

Zoning	<ul style="list-style-type: none"> <li>• Minor administrative revisions and clarifications to the Special Exception Plat. Status: Resolved.</li> <li>• Label areas intended for the reservation of future right-of-way. Status: Resolved.</li> </ul>
VDOT	<ul style="list-style-type: none"> <li>• Given the traffic impacts of this development on an evolving roadway network, detailed analysis of the sub-region should be performed. Status: <b>Unresolved; a revised traffic study examines various operation scenarios reflecting anticipated roadway networks in place within specified timeframes. However, the scope is not regional in its approach.</b></li> <li>• Demonstrate the Level of Service impacts given the phasing program proposed. Status: <b>Unresolved; the analysis submitted by the Applicant compares the trip generation of Special Exception uses west of the west Spine Road, identified as the first phase of development, with by-right development of the entire site. This approach to an analysis does not provide a consistent comparison of by-right versus special exception uses for the first phase of development. Level of Service impacts and delay should be calculated with the same development program considered.</b></li> <li>• Mitigation measures should be considered for the following intersections: South Point Drive and Gum Spring Road; Tall Cedars Pkwy, West Spine Road, and Gum Spring Road; and South Point Drive and West Spine Road. Status: <b>Unresolved; the Applicant states that with the exception of the future West Spine Road and South Point Drive where a traffic signal will be installed, no other intersection improvements are necessary.</b></li> </ul>
Transportation (OTS)	<ul style="list-style-type: none"> <li>• Amend the Traffic Study to reflect the interim roadway network anticipated to be in place prior to the construction of the West Spine Road through the site and north of the site. Level of Service impacts by the proposed development program should be included. Status: Resolved. The Applicant's traffic study does provide various operational scenarios reflecting a likely roadway network in place prior to completion of the West Spine Road. This study suggests the following scenario: full build-out (i.e. four lanes) of West Spine Road; signalization of the West Spine Road / Route 50 intersection; conversion of Gum Spring Road to a right-in / right-out at Route 50; and a cul-de-sac on Gum Spring Road north of Tall Cedars Parkway.</li> <li>• Phasing of the project to ensure adequate Level of Service is maintained until such time as the above-referenced roadway network is in place. Status: <b>Unresolved; a phased development program should be provided to ensure further deterioration in Level of Service along existing Gum Spring Road does not occur in the interim.</b></li> <li>• Dedicate the right-of-way necessary to accommodate the two southbound lanes of the future West Spine Road through the site. Status: Resolved; the Applicant has agreed to dedicate the right-of-way following approval of this application.</li> <li>• Construct a median crossover at the intersection of West Spine Road and South Point Drive. Status: Resolved; Condition # 4 added accordingly.</li> </ul>

Transportation (OTS)	<ul style="list-style-type: none"> <li>• Reserve right-of-way to accommodate a future interchange at the intersection of the future West Spine Road and John Mosby Highway (Route 50). Status: Resolved; a right-of-way is noted on the Special Exception Plat and reiterated by Condition # 3.</li> <li>• Delineate a shared-use trail should along the frontage of the future West Spine Road. Status: Resolved; a ten foot (10') shared-use trail has been included on both sides of the future West Spine Road. Condition # 5 clarifies when this trail will be constructed.</li> <li>• Include on-site pedestrian facilities. Status: <b>Unresolved; though internal pedestrian facilities have been included for uses east of the future West Spine Road, they have not been included for uses west of the future West Spine Road. Pedestrian facilities to the restaurant and convenience store with gas pumps should be noted on the Special Exception Plat.</b></li> <li>• Clarify funding responsibilities for a future cul-de-sac on existing Gum Spring Road. Status: <b>Unresolved; no funding mechanism for this cul-de-sac has been identified.</b></li> </ul>
Environmental Review	<ul style="list-style-type: none"> <li>• Include best management practices (BMP) of stormwater management. Status: Resolved; a BMP stormwater management facility is noted on the Special Exception Plat adjacent to the restaurant and convenience food store with gas pumps.</li> <li>• Incorporate existing vegetation into required buffers along the frontage of Route 50. Status: A tree save area is depicted on the Plat.</li> <li>• Mitigation of wetlands should be pursuant to policy with first preference given to locations within Loudoun County within the same watershed. Status: Resolved; Condition # 11 added accordingly.</li> <li>• Conduct a traffic noise study and a building shell analysis for the hotel to mitigate impacts from adjacent roadways and the airport. Status: Not an issue; the hotel is a by-right use and is not the subject of this application.</li> </ul>
Emergency Services	<ul style="list-style-type: none"> <li>• Provide emergency vehicle access to the rear of Building 'C.' Status: Resolved; access to building 'C' has been noted on the Special Exception Plat.</li> </ul>
Health Department	<ul style="list-style-type: none"> <li>• No issues noted. Status: Recommendation of approval.</li> </ul>

Policy or Ordinance Sections Subject to Application	
<u>Revised General Plan</u>	
Chapter 6. Regional Office Use Policies. Policy 2.	
Chapter 6. Parking. Policy 1.	
Chapter 6. Land Use Pattern and Design Policies. Policy 11.	
Chapter 5. Forests, Trees and Vegetation Policies. Policy 3.	
Chapter 5. River and Stream Corridor Resources Policies. Policy 23.	
Chapter 5. Surface Water Policies. Policy 2.	
Chapter 5. Lighting and Night Sky. Policy 1.	



<u>Countywide Retail Policy Plan Amendment</u>
General Retail Policies. Policy 6.
Service Area-Based Retail Policies. Policy 1.
Design Guidelines. A. Building Placement and Design. Policy 1.
Design Guidelines. A. Building Placement and Design. Policy 3.
Design Guidelines. A. Building Placement and Design. Policy 6.
Design Guidelines. A. Building Placement and Design. Policy 7.
Design Guidelines. A. Building Placement and Design. Policy 8.
Design Guidelines. B. Circulation, Parking, and Loading. Policy 1.
Design Guidelines. B. Circulation, Parking, and Loading. Policy 3.
Design Guidelines. B. Landscaping and Buffering. Policy 2.
Design Guidelines. B. Signs and Lighting. Policy 2.
<u>Arcola Area / Route 50 Comprehensive Plan Amendment</u>
Landscaping Policies. Policy 1.
Economic Development Policies. Policy 2.
Business Community Policies. General Policies. Policy 1.
Business Community Policies. General Policies. Policy 2.a.b.c.d.e.
Hybrid Retail Center Policies. Policy 1.
Hybrid Retail Center Policies. Policy 2.
<u>Revised Countywide Transportation Plan (CTP)</u>
Design Guidelines for Major Roadways. Route 50 (John Mosby Highway).
Design Guidelines for Major Roadways. West Spine Road.
<u>Revised 1993 Zoning Ordinance</u>
Section 3-900. CLI – Commercial Light Industry.

### III. FINDINGS FOR DENIAL

1. The application is not in conformance with the policy guidance of the Revised General Plan in that the amount of commercial retail and service uses exceed the ten (10) percent maximum anticipated for Business community.
2. The application has not demonstrated conformance with three of the five criteria identified by the Arcola Area / Route 50 Comprehensive Plan Amendment for commercial retail and service uses to exceed the ten (10) percent maximum noted in the land use mix for modified Business community. Specifically, the application has not

demonstrated the following: 1) The goods and services proposed are not already provided by existing or planned developments in the general vicinity; 2) Mitigation of transportation impacts or the phasing of development to coincide with construction of transportation links needed to provide timely and efficient access; and 3) Conformance with the Countywide Retail Policy Plan Amendment.

3. The application is not in conformance with the Countywide Retail Policy Plan Amendment in that development of community serving retail is proposed immediately adjacent to a Neighborhood Retail Center and does not meet the 4,000-foot minimum spacing as noted by the *Service Area – Based Retail Policies* (Policy A4).
4. The application has not provided phasing of the development program to ensure trips generated by the special exception uses do not cause further deterioration of Level of Service along Gum Spring Road (Route 659).
5. The application is not in compliance with the requirements of the Revised 1993 Zoning Ordinance in that a use, general convenience retail, noted on the Plat requires a Special Exception, and required parking for a 1,800 square foot deck adjacent to the restaurant has not been accommodated on the site.

#### IV. CONDITIONS OF APPROVAL – May 7, 2009

Should this application be considered further, staff recommends the following conditions of approval:

1. **Substantial Conformance** – This Special Exception to permit development of a bank or financial institution, convenience food store with gas pumps, restaurants, and retail sales establishment shall be developed in substantial conformance with Sheets 1 of 4, 2 of 4, and 2A of 4 (the “Special Exception Plat”) of the plan set entitled “WEST SPINE PLAZA SPECIAL EXCEPTION PLAT,” dated February 10, 2008, revised through January March 25, 2009, prepared by Huntley, Nyce & Associates, Ltd. (the “Plans”), and incorporated herein by reference. Approval of this application for Tax Map Number 101////////41/ (PIN# 204-20-3829) (the “Property”) shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Dedication of Right-of-Way** – The Applicant shall, within 30 days of receipt of a written request by the Loudoun County Board of Supervisors, dedicate right-of-way for the two (2) ultimate southbound lanes of West Spine Road as shown on the Plans, and execute plats and deeds prepared and paid for by others for said dedication and/or easements and return said plats and deeds to the applicable party for recordation. In addition to the two (2) ultimate southbound lanes, the Applicant shall dedicate right-of-way to accommodate any acceleration, deceleration, and/or turning lanes on the subject site to accommodate said roadway. The Owner shall receive no compensation for the granting of the aforementioned right of ways and/or easements.

3. **Reservation of Right-of-Way** – The Applicant shall reserve right-of-way as consistent with that depicted on the Plans for the future interchange at the intersection of the West Spine Road and John Mosby Highway (Route 50).
4. **West Spine Road Median Crossover** – The Applicant shall construct a median crossover at the intersection of the West Spine Road and South Point Drive consistent with the standards as established by the Virginia Department of Transportation (VDOT). The median crossover shall be constructed prior to the issuance of any zoning permit east of the future West Spine Road.
5. **Shared-Use Trails** – Ten-foot (10') wide asphalt shared use paths shall be constructed along the western and eastern frontage of the future West Spine Road pursuant to the following:
  - (a) A ten-foot (10') shared use path shall extend the entire length of the property along the western frontage of the West Spine Road from Property Pin # 204-10-2931 to Property Pin # 204-20-2346 as depicted on the Special Exception Plat. The shared use path shall be constructed or bonded for construction concurrent with the approval of the first site plan for either the restaurant use or the convenience food store with gas pumps use.
  - (b) A ten-foot (10') wide shared use path shall extend the entire length of the property along the eastern frontage of the West Spine Road from Parcel Pin # 204-10-2931 to John Mosby Highway (Route 50). A 285-foot segment of the shared use path extending from Parcel Pin # 204-10-2931 to a point of termination depicted on the Special Exception Plat shall be constructed or bonded for construction concurrent with the approval of the first site plan for the bank or financial institution use, the retail sales establishment use, or the restaurant use. The remainder of the shared use path shall be constructed or bonded for construction concurrent with the approval of the last site plan for the afore-mentioned uses. If a site plan is approved for all of the uses concurrently, the 285-foot segment of the shared use path will be constructed and the remainder shall be bonded.
  - (c) A ten-foot (10') shared use path shall extend along the entire length of the property along John Mosby Highway (Route 50) from the intersection of the future West Spine Road to Parcel Pin # 163-15-5783. A 240-foot segment of the shared use path extending from Parcel Pin # 163-15-5783 to a point of termination as depicted on the Special Exception Plat shall be constructed or bonded for construction concurrent with the approval of the first site plan for the bank or financial institution use, the retail sales establishment use, or restaurant use. The remainder of the shared use path shall be constructed or bonded for construction concurrent with the approval of the last site plan for the afore-mentioned uses. If a site plan is approved for all of the uses concurrently, the 240-foot segment of the shared use path will be constructed and the remainder shall be bonded.
  - (d) All shared-use paths shall be located within a fourteen foot (14') easement.
6. **South Point Drive Sidewalks** – Five-foot (5') wide sidewalks shall be constructed on both sides of South Point Drive along the entire length of the Property from Parcel Pin # 204-20-2346 to the intersection of the future West Spine Road. Sidewalks shall be

constructed or bonded for construction concurrent with the approval of the first site plan for either the restaurant use or the convenience food store with gas pumps use.

7. **Pedestrian Enhancements** – Pedestrian sidewalks and crosswalks traversing parking areas and/or driveway aisles shall utilize changes in texture, pattern, material, and color to demarcate the pedestrian network from the vehicle travel ways. Raised crosswalks shall be encouraged.
8. **Tree Save Area** – Within the area identified on the Plans as “Tree Save Area Possible Bioentention or SWM/BMP Facility,” the Applicant shall preserve a minimum of eighty (80) percent of the canopy of healthy trees, exclusive of Virginia Pine over 25 years of age. In the event that the eighty (80) percent canopy threshold cannot be achieved within said area, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Applicant in consultation with the County. Such canopy will be in addition to required landscaping required by the Revised 1993 Zoning Ordinance or otherwise enhanced by this Special Exception. If, during construction on the Property, it is determined by the Owner’s certified arborist and/or County that any healthy tree located within the boundary of said area has been damaged during construction and will not survive, then, prior to bond release on any section containing or immediately adjacent to said area, the Owner shall remove such tree and replace each such tree with (2) 2 ½ - 3 inch caliper, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed. Removal of trees within said area shall be prohibited without specific permission of the County Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infected, dead, or are considered a hazard to life or property.
9. **Tree Save Area / Enhanced with Type 5 Buffer** – Within the area identified on the Plans as “Tree Save Area (Enhanced with Type 5 Landscape Buffer Where Necessary),” the Applicant shall install a Type 5 Buffer as defined by the Revised 1993 Zoning Ordinance along the entire frontage of John Mosby Highway (Route 50). The Type 5 Buffer will incorporate existing trees and shall receive credit for said trees when calculating the required plant materials for the Type 5 Buffer. Replacement of trees within said area damaged during construction and the maintenance of trees within said area shall be pursuant to the language noted in Condition #8, “Tree Save Area.” If it is the case that existing vegetation does not meet the requirements for plant materials as noted in the Revised 1993 Zoning Ordinance for a Type 5 Buffer, existing vegetation will be supplemented by new plantings (i.e. trees and/or shrubs) until such is met.
10. **Traffic Signal** – The Applicant shall construct a traffic signal at the intersection of the future West Spine Road and South Point Drive when warranted, consistent with the standards as established by the Virginia Department of Transportation (VDOT). Prior to the issuance of a zoning permit for each special exception east of the future West Spine

Road, a signal warrant analysis shall be prepared and submitted to VDOT to determine if warrants have been met. If the signal is not warranted prior to the issuance of a zoning permit for the last special exception use on the Property, the Owner shall make a regional roadway contribution of \$250,000 to the County of Loudoun to be used for the installation of said signal. This contribution shall be adjusted annually, the base year established as the year a zoning permit is issued for the last special exception use on the Property, effective each January 1st thereafter, based on the Consumer Price Index for All Urban Consumers (CPI-U) 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics.

11. **Wetland Mitigation** – The Applicant shall provide mitigation for the disturbance of any jurisdictional wetlands, defined as such by the Army Corp of Engineers (“COE”), by purchasing credits from a COE and/or Virginia Department of Environmental Quality approved wetlands bank in the same or adjacent Hydrologic Unit Code in Virginia. The Applicant will give priority to purchasing the credits from a mitigation bank within Loudoun County if such credits are available at competitive rates at the time of purchase.
12. **Rooftop Mechanical Equipment / Dumpsters** – Screening of rooftop mechanical equipment and dumpsters shall include, but shall not be limited to, fencing, walls of similar construction to the buildings on site, or landscaping.
13. **Exterior Lighting** – Any exterior lighting installed on the Property shall be full cutoff and fully shielded light fixtures as defined by the Illuminating Engineering Society of North America (IESNA). Light shall be directed inward and downward toward the interior of the property, away from nearby properties.

Note: The applicant has agreed to contribute \$.10 per square foot of development to the servicing Fire and Rescue Company. The contribution shall be divided equally for fire and rescue services. The \$.10 per square foot contribution will escalate annually based on the Consumer Price Index (base year of 1988) in accordance with Board policy and contributions shall be made before issuance of zoning permits for phased development of the project.

## V. PROJECT REVIEW

### A. CONTEXT

On October 26, 2007, the County accepted, on behalf of DCI Construction Management, Inc., a request for Special Exception (SPEX) to permit the following uses: convenience food store with gas pumps, bank or financial institution, two restaurants, and retail sales establishment in the CLI (Commercial Light Industrial) zoning district. These special exception uses will accompany a series of by-right uses including: hotel, conference center, office, and flex/industrial warehouse. The site is located on both sides of the future West Spine Road, south of John Mosby Highway (Route 50), and east of Gum Spring Road (Route 659).

The site, approximately 20.06 acres, is currently vacant and unimproved, covered with overstory and understory growth consisting of deciduous hardwoods inter-mixed with

evergreens. Wetlands are sporadically located throughout the site. The application proposes 171,878 square feet of development in seven (7) buildings with associated parking and a public plaza. Special exception uses constitute 29,800 square feet of the development program; the remaining square footage is devoted to by-right uses. The majority of the buildings will be one and two story structures with building heights of an office building and hotel reaching four (4) stories.

The mixed-use Stone Ridge Community is located to the west of the site across Gum Spring Road (Route 659). The developing Gum Spring Village Center adjoins the site to the north and shares a common access via South Point Drive. The un-built Community Corner application is located immediately adjacent to and south of the site. Finally, a commercial nursery adjoins the site along the southern/eastern boundary.

## **B. SUMMARY OF OUTSTANDING ISSUES**

Please note that a meeting between the Applicant and Staff is scheduled to discuss the outstanding issues. Outstanding issues at this time include:

- 1. *Proposed retail and service uses (i.e. restaurant and convenience food store with gas pumps) exceed ten (10) percent maximum anticipated as part of the land use mix for Business Communities. Failure to demonstrate conformance with three of the five criteria identified in the Arcola Area / Route 50 Corridor Plan needed to justify exceeding the ten (10) percent maximum.*** It is unclear whether the application demonstrates that the goods and services proposed are not already provided by existing or planned developments in the general vicinity, and the application is not consistent with the Countywide Retail Policy Plan Amendment in that community serving retail uses are proposed within 4,000-feet of a Neighborhood Retail Center. The Applicant has responded that the goods and services are needed to meet the growing population in the Dulles South Community.
- 2. *The restaurant and convenience food store with gas pumps uses cannot be supported.*** Because the Applicant has failed to justify the need for additional retail and service uses within the Business Community, Staff cannot support the restaurant use and the convenience food store with gas pumps use. Staff recommends community serving office be considered as an alternative.
- 3. *Failure of the site to incorporate a site design consistent with the Route 50 Corridor Design Guidelines.*** The Route 50 Corridor Design Guidelines emphasize the need for developments to be compact, pedestrian-oriented, and should foster a sense of place. The Applicant has described the Guidelines as abstract and has incorporated design elements, including sidewalks and a plaza, into the layout in an attempt to meet their intent. However, the placement of those features is not consistent with the Guidelines and provides little inter-relationship between buildings and uses. Further, the site utilizes stand-alone pads sites, surrounded by parking, indicative of strip commercial development.
- 4. *Commitments to enhanced landscaping along the future West Spine Road and South Point Drive to provide screening of parking areas from roadways. Commitments to landscaping around the stormwater management pond.***



Commitments to plantings noted on a Landscape Plan have not been included on the Special Exception Plat.

5. ***Commitments to enhanced building design and architectural features consistent with the Route 50 Corridor Design Guidelines.*** The Applicant has indicated agreement to Conditions of Approval regarding building design. However, condition language developed without a building elevation or rendering would be vague and general in scope. Staff requests the Applicant provide such to provide a context for greater discussion on architectural design.
6. ***Pedestrian connections between the uses, to the regional trail network (i.e. shared-use path and sidewalks), and to adjacent communities.*** Uses east of the future West Spine Road utilize both internal and external pedestrian connections. External connections are provided on uses west of the future West Spine Road, but internal, interconnecting sidewalks between the restaurant use and the convenience food store with gas pumps use to the regional network have not been provided.
7. ***A General Convenience Retail Use noted in Building 'F' requires a Special Exception.*** Though the Applicant states Building 'F' will not contain a convenience food store, the use is depicted on the Special Exception Plat and in the "Parking Tabulation" table.
8. ***Parking to accommodate a 1,800 square foot deck adjoining the Restaurant use (Building C) on the west side of the future West Spine Road has not been accommodated on the Special Exception Plat.*** Parking for the restaurant use does not consider the square footage of the deck in the calculation, and consequently, twenty-seven (27) additional spaces should be delineated on the Special Exception plat.
9. ***The Conditions of Approval have not been approved to legal form.*** The Conditions of Approval have not been reviewed by the Department of Building and Development, Zoning Administration, or the County Attorney's Office.

## C. OVERALL ANALYSIS

### COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan (Plan), the Revised Countywide Transportation Plan (CTP), and is subject to the Arcola Area / Route 50 Comprehensive Plan Amendment. The site is located in the Dulles Community of the Suburban Policy Area and is planned for a mixture of land uses including business and hybrid retail (Arcola / Route 50 Comprehensive Plan Amendment, Planned Land Use Map).

Five issues have been identified by Community Planning as outstanding with this application: 1) Failure to demonstrate conformance with the criteria identified by the Arcola Area / Route 50 Comprehensive Plan Amendment needed to justify retail and service uses exceeding the ten (10) percent maximum; 2) Because the Applicant has failed to justify the need for additional retail and service uses, Staff cannot support the restaurant and convenience store with gas pumps uses and recommends community serving office as an alternative; 3) Failure of the entire site to incorporate a design that emphasizes a pedestrian scale and inter-

relationships between structures as opposed to strip commercial development; 4) Failure of the site to provide appropriate commitments to enhanced building design and architectural features; and 5) Failure to provide appropriate landscaping along major roadways (i.e. South Point Drive and future West Spine Road) to screen parking areas.

**General Conformance with Hybrid Retail / Business Community**

The future alignment of the West Spine Road forms a physical boundary between the areas designated for business uses versus those identified as suitable for hybrid retail. Business uses are recommended to the west; hybrid retail uses are recommended to the east. Special Exception uses are located in both areas and are accompanied by permitted uses. Permitted by-right uses located east of the West Spine Road in Business Community include office, hotel, and conference center; special exception uses include retail sales establishment, a restaurant, and bank or financial institution. By-right uses west of the West Spine Road in Hybrid Retail include office and flex/industrial warehouse; special exception uses include a second restaurant and a convenience food store with gas pumps.

Hybrid retail centers are unique to the Arcola Area / Route 50 corridor and include Service-Based Retail establishments, intended to provide for the convenience and routine shopping needs of the local community. Hybrid retail anticipates that large-scale retailers, including variety, discount and junior department stores, typically associated with destination retail will develop in conjunction with office, light industrial and civic uses. In this instance, the mix of uses, including both office and service based retail, proposed east of the future West Spine Road are consistent with the Hybrid Retail designation.

Business Community is anticipated to include a mix of uses to ensure goods and services are located proximate to the populations they are intended to serve with a land use mix consistent with that noted in Chapter 6. However, Business Community applicable to the Route 50 Corridor is modified by the Arcola Area / Route 50 Comprehensive Plan Amendment to state that office and/or light industrial are to be the predominate land use; the land use mix is the same. Economic Development Policies of the Plan Amendment state, "Regional office and Light Industrial communities will be the predominant component...to ensure the County attains the employment land uses envisioned..." Commercial/retail uses may exceed the ten (10) percent maximum noted in the land use mix, provided the following criteria can be met: 1) The retail use provides the goods and services needed by local employment and residential communities and/or supports the development of tourism in the Route 50 corridor; 2) The retail use is compatible with and can illustrate a coordinated design, transportation connections or other relationship with the surrounding communities that exist or have been approved; 3) The retail use does not access Route 50 directly; 4) The proposal provides appropriate and adequate transportation infrastructure; and 5) The proposal conforms with policies in the Retail Plan.

**Criteria 1: The retail use provides the goods and services needed by local employment and residential communities and/or supports the development of tourism in the Route 50 corridor.** The restaurant and the convenience food store with gas pump uses are replicated in the immediate vicinity by existing or planned projects. A gas station is approved and currently under construction diagonally across

South Point Drive in the Gum Spring Village Center. Restaurant uses are included as part of the Stone Ridge Village Center and Gum Spring Village Center and are included in the approved but yet un-built Community Corner. The Applicant has submitted a market study indicating the uses can be supported by the growing population in the Dulles South area. However, this study only considers existing businesses in its analysis and fails to include approved but yet un-built projects. As this discrepancy was noted, the Applicant, in the third response, noted that only four (4) gas stations have been included as part of various approved rezoning applications along the length of the Route 50 corridor. Though this may suggest a deficit in the Corridor, the question of whether this application includes goods and services not already provided in the area remains as the same use is replicated across the street. Further, though additional analysis was provided for gas stations, it was not provided for restaurant uses. As such, it is unclear whether the application demonstrates conformance with Criteria 1.

**Criteria 4: The proposal provides appropriate and adequate transportation infrastructure.** Criteria 4 was not specifically addressed in the Community Planning referral. However, the Office of Transportation Services (OTS) has requested the special exception uses which would cause further deterioration of Level of Service along Gum Spring Road be phased until such time as the West Spine Road is completed and open to traffic. In order to make a determination about which uses should be phased, OTS has requested a comparison of the trip generation between the special exception uses and by-right uses proposed for Phase 1 (i.e. all uses west of the future west Spine Road). In response, the Applicant has submitted a comparison between the trip generation for the special exception uses west of the future West Spine Road (i.e. restaurant and convenience food store with gas pumps) and the by-right uses for the entire site. This comparison is inconsistent and does not provide a complete analysis of the traffic impacts to be expected with Phase 1. Given a lack of commitment to an appropriate phasing program, the application fails to demonstrate conformance with Criteria 4.

**Criteria 5: The proposal conforms with policies in the Retail Plan.** Based upon the expectation that office will be the predominant land use in Business Community, the Countywide Retail Policy Plan Amendment suggests that any retail provided would be employment supportive in nature. In this instance, however, where the amount of office is limited, the restaurant and convenience food store with gas pumps would be classified as community serving retail and is guided by the *Service Area – Based Retail Policies*. As stated by Policy A4 “Service Area-Based Retail uses will be separated from each other to prevent strip commercial development. Neighborhood Retail Centers must generally be separated by a minimum distance of 4000’ from any other Service Area-Based Retail Center to prevent consolidation of centers into a larger commercial complex.” The developing Gum Spring Village Center adjoins the site on the north and is considered a Neighborhood Retail Center. Development of the West Spine Plaza immediately adjacent to Gum Spring Village Center does not meet the 4,000-foot separation and provides for consolidation of the two retail centers into a

larger commercial complex. As such, the application fails to demonstrate conformance with Criteria 5.

In order to prevent the proliferation of stand alone, retail pads sites characteristic of strip commercial development, staff cannot support the restaurant use and the convenience food store with gas pumps use and recommends office as an alternative. Staff acknowledges the size of the parcel is constrained by the alignment of both South Point Drive and the future West Spine Road, and, as such, large scale office may not be practical. However, given the site constraints, smaller scale, community serving office may be feasible and would maximize the site's prominent location adjacent to a planned interchange at the future West Spine Road and Route 50.

**Site Layout and Building Design**

Created to compliment the Arcola Area / Route 50 Comprehensive Plan Amendment, the Route 50 Corridor Design Guidelines were created to reinforce a sense of place in the Route 50 Corridor, create seamless transitions from differing land uses, and emphasize the pedestrian as opposed to automobiles. Direction is provided for streetscapes, landscaping, and architectural form with the goal of clustering structures to create a compact development pattern that serves both as a destination and provides a sense of arrival to the County.

Uses west of the West Spine Road, the restaurant and convenience food store with gas pumps, are essentially standalone pad sites, surrounded by parking, with little inter-relationship between the two. A deck has been included as part of the restaurant to provide outdoor seating in response to concerns about design. However, any outdoor component will conflict with the vehicular nature of the convenience food store with gas pumps, making integration of the two virtually impossible.

The design of the site east of the West Spine Road does provide a higher level of integration. The hotel, restaurant, and conference center are arranged successively and are flanked by an office building with retail sales establishment on the ground floor; a plaza is located between the conference center and the office building. A stand-alone bank is located near the West Spine. Sidewalks in front of and behind the buildings form a pedestrian network which connects the various uses.

Though design elements such as the plaza and sidewalks are consistent with the Route 50 Corridor Design Guidelines, the overall arrangement and orientation of proposed structures is not. Buildings are situated in a circuitous formation, and the location of an internal parking area between the office building and hotel disconnects the two uses and forms a physical boundary. The placement of the plaza between the office building and the conference center connects the two, but it does not become a focal point or unifying space for all of the uses. Interconnecting sidewalks are included, but the transition is not seamless. Finally, the bank, a standalone pad with only a sidewalk connection, has little inter-relationship with the remainder of the site. In summary, rather than a compact, integrated design, the layout emphasizes vehicular parking as a prominent feature, and the disconnected nature of the various uses represents a development pattern that more closely resembles strip commercial.

In addition to physical layout of the uses on the site, both the Countywide Retail Policy Plan Amendment and the Route 50 Corridor Design Guidelines emphasize high quality architectural form and provide guidance regarding building design and site landscaping. The Retail Plan encourages sites with multiple buildings to exhibit a unity of design with consistent architectural treatments (i.e. rooflines, materials, etc.) and discourages long, flat facades with little articulation. These concepts are reiterated by the Design Guidelines which provide specific guidance regarding variations in roof forms and building mass by incorporating architectural elements into the structure. Both documents reference the need to screen parking areas from adjacent roadways with landscaping to both frame the streetscape and provide a buffer between pedestrian and vehicular movements. The Applicant has agreed, in concept, to conditions which would emulate these principles but has failed to provide specific commitments which would provide an appropriate framework through which conditions could be developed. Though general conditions related to unity of design may be appropriate, development of specific language related to building form and materials is not possible, absent building elevations or renderings. Further, a landscape plan has been submitted, but commitments to depicted plantings are not noted on the Special Exception Plat. As such, staff has requested the Applicant provide renderings of the proposed buildings to form a context for a more detailed discussion on design, and commit to proposed landscaping on the Special Exception Plat.

#### **Existing Conditions / Environmental Impacts**

Existing environmental features consist of extensive tree stands and sporadic wetlands, most of which will be displaced to facilitate the development of the property. As such, staff is recommending the Applicant incorporate existing vegetation into the site design and delineate tree save areas in the setback along the frontage of John Mosby Highway (Route 50). In addition, staff recommends that any wetlands displaced be mitigated pursuant to policy with first preference within Loudoun County and within the same watershed. In response, Conditions # 8, # 9, and # 11 have been included. Staff further requests that an area adjacent to the future West Spine Road identified as "Tree Save Area Possible Bioretention or SWM/BMP Facility" be reserved exclusively as a tree save area and noted as such on the Special Exception Plat.

#### **ZONING**

The property under consideration is a 20.06 acre tract, identified as Loudoun County Tax Map 101, Parcel 41. The property is zoned CLI (Commercial Light Industry) and is governed by the Revised 1993 Zoning Ordinance. The application requests Special Exception approval to permit a Bank or Financial Institution, Convenience Food Store with Gas Pumps, two (2) Restaurants, and Retail Sales Establishment, permitted by Sections 3-904 (C), (D), (S), and (T) respectively. A fifth use, general convenience retail, is noted on the Special Exception Plat as part of Building 'F' and requires a Special Exception if it is retained; no Special Exception for this use has not been submitted.

In response, the Applicant has stated that the general convenience retail use is not intended. If this is the case, references on the Special Exception Plat should be removed. A second unresolved issue is a request by Zoning Administration to include the square footage of a

deck adjacent to the restaurant located on the west side of the West Spine Road into the total square footage of the use and provide the required parking accordingly. The 1,800 square foot deck will require twenty-seven (27) spaces which should be delineated on the Special Exception Plat. The final unresolved comment is a request to delineate internal pedestrian connections between uses; such connections have not been provided between uses west of the West Spine Road.

Other issues noted by the Zoning Administration include an inter-parcel access between the flex/industrial warehouse use and uses on the adjoining Community Corner property. When an inter-parcel access between two uses in differing zoning districts is proposed, the uses connected by the access point must be allowed in both uses. In this instance, Community Corner is zoned PD-CC-CC (Planned Development – Commercial Center, Community Center) which does not permit a flex/industrial warehouse use. This issue remains unresolved, but since it involves a by-right use, it is beyond the scope of this application and has been deferred until such time as an administrative site plan is submitted.

### **EMERGENCY SERVICES**

The Arcola – Pleasant Valley Volunteer Fire Department will provide fire and rescue services to the site. County policy anticipates a contribution of \$.10 per square foot of development. Based on the square-footage of the proposed special exception uses, the County would anticipate a contribution of \$2,980.00, which shall be adjusted annually from the base year of 1988 and change effective each January 1<sup>st</sup> thereafter. The contribution will be provided at zoning permit issuance for each respective special exception use and is consistent with Board policy. Issues noted by the Department of Fire, Rescue and Emergency Management include a request to provide emergency vehicle access to the rear of building 'C.' Access to Building 'C' has been provided, and there are no outstanding staff issues.

### **TRANSPORTATION**

The property currently under consideration is located on either side of the future West Spine Road, east of Gum Spring Road, and south of John Mosby Highway (Route 50). The portion of the site west of the future West Spine Road is accessible via a proposed extension of South Point Drive through the Gum Spring Village Center. South Point Drive will serve as the primary point of ingress / egress to this portion of the property until the West Spine Road is constructed at which time it will become a through street. Access to the property east of the West Spine will be via an inter-parcel access easement through the Gateway Community Church property. Until such time as the West Spine Road is open, the eastern portion of the property is inaccessible. Though fronting on Gum Spring Road and John Mosby Highway (Route 50), no direct access to either is proposed.

John Mosby Highway (Route 50) is currently a four-lane median divided minor arterial along the northern frontage of the site. The Revised Countywide Transportation Plan (CTP) identifies the ultimate condition as a six-lane, limited access, principal arterial in a 200-foot right-of-way. The West Spine Road is planned to be a six-lane median divided major collector in a 120-foot right-of-way. An interchange will ultimately be constructed at the intersection of the two. Right-of-way to accommodate the northbound lanes of the West Spine Road has



been dedicated. Two northbound lanes have been constructed but have not opened for public use. This application will dedicate the remaining segment of right-of-way needed to accommodate the two southbound lanes. Proffered roadway improvements included as part of the CD Smith application (ZMAP 2002-0003) will allow for the construction of the remaining two lanes.

Currently, Gum Spring Road (Route 659) is a two-lane road extending south from Route 50 to the subject site. Upon completion of four lanes of the West Spine Road to Route 50, Gum Spring Road will ultimately be severed with a cul-de-sac north of Tall Cedars Parkway. The location, timing, and funding mechanism for the cul-de-sac remains uncertain. In like manner, the ultimate operational status of the Gum Spring Road / Route 50 intersection has not been determined. Until such time as four lanes of the West Spine Road are completed to Route 50, the existing northbound lanes will open to the public and Gum Spring Road will continue in an interim condition as a two-lane through route.

A traffic analysis has indicated that development of this site will generate 6,628 daily vehicle trips, 431 in the AM peak, and 716 in the PM peak. Traffic improvements associated with this application include the dedication of right-of-way to accommodate the two remaining southbound lanes of the West Spine, the extension of South Point Drive through the site to the West Spine Road, the signalization of the West Spine Road / South Point Drive intersection when warranted, and the construction of a median crossover at said intersection. With the exception of right-of-way for the West Spine Road, access to the site is not possible, absent of the improvements noted above.

In its current operational state, the Level of Service (LOS) at the Route 50 / Gum Spring Road intersection is F during weekday peak hours. Level of Service is anticipated to improve pending ultimate completion of the West Spine Road to Route 50; however, the exact timing of those improvements is uncertain. In the interim, the current two-lane Gum Spring Road cannot accommodate the additional traffic generated by the proposed application without further deterioration of Level of Service. As stated by the Revised Comprehensive Transportation Plan, "Land development will only occur along roads that currently function at Level of Service 'D' or better." Consequently, Staff cannot support any development with a trip generation in excess of that which would be allowed by-right and requests that the project be phased accordingly. The Applicant has agreed to limit development on the east side of the West Spine Road until such time as a four lane West Spine Road is completed, but an analysis demonstrating that development on the west side of the West Spine Road does not exceed by-right levels has not been provided. As such, phasing remains an outstanding issue.

#### **E. ZONING ORDINANCE CRITERIA FOR APPROVAL**

*Section 6-1310 of the Loudoun County Zoning Ordinance states "In considering a Special Exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or Special Exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":*

*(A) Whether the proposed Special Exception is consistent with the Comprehensive Plan.*

The proposed Special Exception uses are located in an area designated for both Business Community and Hybrid Retail. The future West Spine Road forms a physical boundary between the two with Business uses recommended for the east side and Hybrid Retail uses recommended for the west side. Uses proposed east of the future West Spine Road are consistent with the areas Hybrid Retail designation. The restaurant and convenience food store with gas pumps uses proposed west of the future West Spine Road are not compatible with the Business designation as they exceed the ten (10) percent maximum commercial retail and service uses anticipated by the Plan. The modified Business Community as noted in the Arcola Area / Route 50 Plan Amendment does allow commercial retail and service uses to exceed the ten (10) percent maximum, provided the application complies with five criteria. This application does not comply with the three out of the five. Specifically, the application does not demonstrate that the goods and services proposed are not already provided for by existing or planned development and it does not comply with the Retail Plan. In addition, given the reluctance to provide a phasing plan that does not result in further deterioration in Level of Service along Gum Spring Road, it does not provide adequate transportation infrastructure or ensure the development of the project is coordinated with the timing of adequate infrastructure (i.e. future West Spine Road).

*(B) Whether the proposed Special Exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

The proposed uses will be constructed to comply with all applicable fire safety and building requirements.

*(C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

The application does not propose any uses that would generate noise in excess of that which would be anticipated.

*(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

A condition of approval has been included that will require lighting to be shielded, cut-off and downward directed.

*(E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

The Gum Spring Village Center is located to the north of the site and is developing with a number of commercial retail and service uses. The un-built Community Corner is located south of the site and also includes commercial retail and office uses. A by-right civic use, the un-built Gateway Community Church, is also located south of the site. Property located east of the site is a commercial retail landscaping and nursery business. The proposed application is compatible with all of these existing and planned properties. Staff does note, however, the Special Exception Plat depicts a by-right flex/industrial and warehouse use adjoining planned

multi-family and existing townhomes as part of the Stone Ridge Community. This by-right use is not compatible with residential but is beyond the scope of this application.

*(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

A Type 2 Buffer is noted on the Special Exception Plat adjacent to existing Gum Spring Road (Route 659), and a Type 5 Buffer is noted along the frontage of John Mosby Highway (Route 50). Buffering along the southern boundary line or the shared boundary with the Gum Spring Village Center is not required by the Revised 1993 Zoning Ordinance as the uses are compatible. The Countywide Retail Policy Plan Amendment recommends that landscaping be provided along the street frontage of retail centers to "create a green edge on both sides of the street" and further states "large parking areas should be landscaped with trees and shrubs to reduce the visual impact." As such, commitments to landscaping along South Point Drive and the future West Spine Road remain an outstanding issue.

*(G) Whether the proposed Special Exception will result in the preservation of any topographic or physical, natural, scenic, archaeological, or historic feature of significant importance.*

The Special Exception uses do not fall within any known area that has significant archeological or historical significance.

*(H) Whether the proposed Special Exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*

As the site is currently vacant and unimproved, the vast majority of the property is currently covered with deciduous hardwoods inter-mixed with evergreens. Wetlands are located sporadically throughout the site. The majority of these natural features will be removed to facilitate the proposed special exception and by-right uses. The Applicant has agreed to a tree save areas within the one hundred foot setback along Route 50. A second tree save area is located adjacent to the future West Spine Road but includes a notation that the area may be used as a stormwater management / BMP facility.

*(I) Whether the proposed Special Exception at the specified location will contribute to or promote the welfare or convenience of the public.*

The application proposes a series of both permitted and special exception uses to include commercial retail and service, office, and light industrial uses. The combination of these uses will provide goods and services as well as employment opportunities to existing and planned residential communities located adjacent to and south of the site. Staff does note, however, many of the goods and services proposed in this application are replicated by existing and/or planned developments in the immediate vicinity.

*(J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.*

Interim site access is via the Gum Spring Road (Route 659) by means of an extension of South Point Drive; ultimate site access will be via the future West Spine Road. Currently, the Level of Service at the intersection of Gum Spring Road and Route 50 is failing during AM and PM peak movements. As such, appropriate phasing of the development program should be provided to ensure further deterioration of service does not occur. Phasing remains an outstanding issue.

*(K) Whether, in the case of existing structures proposed to be converted to uses requiring a Special Exception, the structures meet all code requirements of Loudoun County.*

The proposed site is undeveloped, and as such, this provision is not applicable.

*(L) Whether the proposed Special Exception will be served adequately by essential public facilities and services.*

All public facilities and utilities have been extended, and this site will be served by public water and sewer.

*(M) The effect of the proposed Special Exception on groundwater supply.*

This site will be served by all utilities and will include stormwater management facilities. No effect on the groundwater supply can be anticipated.

*(N) Whether the proposed use will affect the structural capacity of the soils.*

Wetlands are located on the subject site and will be impacted by the proposed development.

*(O) Whether the proposed use will negatively impact orderly and safe road development and transportation.*

Provided the ultimate roadway network is in place (i.e. the construction of the future West Spine Road through the property), no impact to orderly and safe road development and transportation can be anticipated. However, if the ultimate roadway network is not in place, the proposed uses will cause further deterioration in already failing Level of Service along Gum Spring Road. As such, phasing of the development to ensure existing Level of Service is maintained has been requested but remains an outstanding issue.

*(P) Whether the proposed Special Exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*

The proposed Special Exception and the accompanying permitted uses will provide desirable employment opportunities and will generate additional tax base.

*(Q) Whether the proposed Special Exception considers the needs of agriculture, industry, and businesses in future growth.*

The application proposes a series of both permitted and special exception uses to include commercial retail and service, office, and light industrial. As such, the future growth needs of both industry and businesses have been considered. No agricultural uses are proposed.

*(R) Whether adequate on and off-site infrastructure is available.*

Adequate infrastructure (water and sewer) is available and accessible to support the proposed uses.

*(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.*

There are no odors anticipated to be generated by the proposed special exception uses.

*(T) Whether the proposed Special Exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.*

Initial access to the site will be via Gum Spring Road by means of South Point Drive. Ultimate access to the site will be via the future West Spine Road by means of South Point Drive and an inter-parcel access through the Gateway Community Church property. No local residential streets will be accessed in an ultimate scenario. However, operation on an interim condition of the existing roadway network, specifically Gum Spring Road, prior to the construction of the West Spine Road both through the site and north of Route 50 has not been determined. As the ultimate network is constructed, interim operational methods may necessitate construction traffic traversing the collector roads of the Stone Ride Community.

<b>VI. ATTACHMENTS</b>	<b>PAGE NUMBER</b>
<b>1. Review Agency Comments</b>	
a. Planning Department, Community Planning	<b>A-1</b>
b. Building and Development, Zoning Administration	<b>A-27</b>
c. Building and Development, ERT	<b>A-29</b>
d. Office of Transportation Services (OTS)	<b>A-37</b>
e. Virginia Department of Transportation (VDOT)	<b>A-65</b>
f. Fire, Rescue, & Emergency Management	<b>A-73</b>
g. Loudoun County Health Department	<b>A-77</b>
h. Loudoun Water (formerly LCSA)	<b>A-79</b>
<b>2. Disclosure of Real Parties in Interest</b>	<b>A-81</b>
<b>3. Applicant's Statement of Justification</b>	<b>A-95</b>
<b>4. Applicant's Response to Referral Agency Comments</b>	<b>A-107</b>
<b>5. Special Exception Plat; dated 2/10/08; revised to 3/25/09</b>	<b>Attached</b>

**NOTE:** Attachments are available electronically, and may be viewed at the Planning Department Front Counter or in the Building & Development File Room.